

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNILEE JANAE VELEZ,

Defendant.

4:23-CR-3021

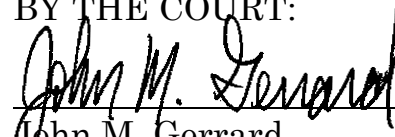
ORDER

Pursuant to the Court's order on sentencing schedule, motions for variance from the sentencing guidelines were to be filed by March 11, 2024. [Filing 86 at 1-2](#). No motions were filed, and the Court entered its tentative sentencing filings on March 12. [Filing 108](#). The defendant has now filed an untimely motion for variance. [Filing 123](#). The Court will, nonetheless, take up the defendant's motion at sentencing.¹

IT IS ORDERED that the defendant's motion for variance ([filing 123](#)) will be taken up at sentencing.

Dated this 3rd day of April, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge

¹ The Court notes, however, that the defendant's request for "a two-level variance pursuant to [18 U.S.C. § 3553\(a\)](#) and in recognition of the proposed amendments to the Guidelines with respect to offenders with 0 criminal history points," [filing 123 at 1](#), is moot: That amendment went into effect on November 1, 2023, *see* [U.S.S.G. § 4C1.1](#), and the Court uses the Guidelines manual in effect at the time of sentencing, *see* [U.S.S.G. § 1B1.11\(a\)](#), which is why the presentence report at ¶46 already includes the two-level reduction to the offense level provided by § 4C1.1.